

**ORDINANCE NO. 20170803-112**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3424 SOUTH FM 973 ROAD FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim-rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2017-0057, on file at the Planning and Zoning Department, as follows:

1.865 acres of land located in the Santiago Del Valle Survey, Abstract No. 24, City of Austin, Travis County, Texas and being a portion of Lot 1, Browning-Ferris Corner II, according to the map or plat thereof, recorded in Volume 87, Pages 124D-125A, Plat Records of Travis County, said 1.865 acres being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 3424 South FM 973 Road in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses for the Property:

Adult-oriented businesses	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Commercial blood plasma center	Pawn shop services
Service station	

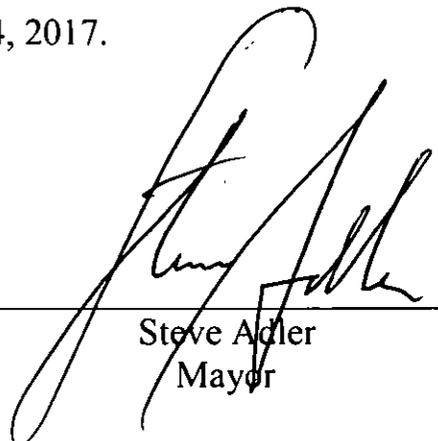
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on August 14, 2017.

**PASSED AND APPROVED**

\_\_\_\_\_  
August 3, 2017

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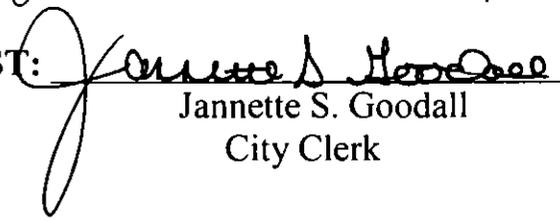
\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:**



\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**



\_\_\_\_\_  
Jannette S. Goodall  
City Clerk

C14-2017-0057

**LEGAL DESCRIPTION**  
**1.865 ACRES**  
**OF LAND**

1.865 acres of land located in the Santiago Del Valle Survey, Abstract No. 24, City of Austin, Travis County, Texas and being a portion of Lot 1, BROWNING-FERRIS CORNER II, according to the map or plat thereof, recorded in Volume 87, Pages 124D-125A, Plat Records of Travis County, Texas, said 1.865 acres being more particularly described as follows:

**BEGINNING**, at a found 1/2-inch iron rod with cap, marking the intersection of the northeasterly line of said Lot 1 with the northwesterly right of way line of F.M. 973, same being the northwesterly corner of that certain 2.048 acre tract conveyed to the State of Texas, acting by and through the Texas Transportation Commission, as described under Document Number 2014106177, Official Public Records of Travis County, Texas;

**THENCE**, South 13deg 50' 07" West, along the northwesterly right of way line of F.M. 973, a distance of 133.12 feet to a set 1/2" iron rod with "KHA" cap;

**THENCE**, southwesterly, continuing along the northwesterly right of way line of F.M. 973 and along the arc of a curve to the right having a radius of 1900.00 feet, a central angle of 12deg 33' 25", an arc length of 416.41 feet, and a chord bearing: S 20deg 05' 43" W, 415.57 feet to a found 1/2" iron rod with cap, located in the southwesterly line of said Lot 1 and marking the southwesterly corner of the said 2.048 acres;

**THENCE**, North 47deg 20' 14" West, along the southwesterly line of said Lot 1, a distance of 261.82 feet to a set 1/2" iron rod with KHA cap marking the southwesterly corner of said Lot 1;

**THENCE**, North 42deg 38' 47" East, along the northwesterly line of said Lot 1, a distance of 500.18 feet to a set 1/2" iron rod with "KHA" cap, for the northwesterly corner of said Lot 1;

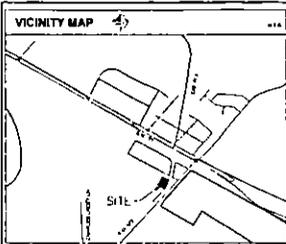
**THENCE**, South 47deg 37' 36" East, along the northeasterly line of said Lot 1, a distance of 38.29 feet to **THE POINT OF BEGINNING**, containing an area of 1.865 acres (81,255 sq. ft.) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83

James W. Russell  
Registered Professional Land Surveyor No. 4230  
Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
Ph. 210-541-9166  
[jim.russell@kimley-horn.com](mailto:jim.russell@kimley-horn.com)  
TBPLS Firm No. 10193973



**EXHIBIT A**



**LINE TYPE LEGEND**

---	Survey Boundary
---	Adjacent Property Boundary
---	Right-of-Way Boundary
---	Utility Line
---	Proposed Improvement
---	Other

**LEGEND**

---	Survey Boundary
---	Adjacent Property Boundary
---	Right-of-Way Boundary
---	Utility Line
---	Proposed Improvement
---	Other

**NOTES**

There are no permanent buildings existing on the surveyed property.

No portion of this site within the boundaries of the 100 year floodplain as shown on the flood insurance rate map community zone no. 404 (SCHMIDT) effective date August 16, 2014, Travis County, Texas.

The surveyed property does not appear to be in use as a dump, strip or sanitary landfill.

At the time of survey, there was no visible evidence of current earth moving, building, construction or building alterations.

There are no known proposed changes in street right-of-way lines.

Unimproved unless shown otherwise, any lots shown on the plat are shown as unimproved unless otherwise indicated on the plat.

The survey did not encroach the surveyed property.

**LEGAL DESCRIPTION**

1.865 acres of land located in the Banning One-Block Survey Abstract No. 24, City of Austin, Travis County, Texas and being a portion of Lot 1, BROWNING-FERRIS CORNER II, according to the map or plat thereof recorded in Volume 87, Pages 124D-125A, Plat Records of Travis County, Texas, said 1.865 acres being more particularly described as follows:

BE BEGINNING at a bound 1/2 inch less one inch less marking the intersection of the northwesterly line of said Lot 1 with the northwesterly right-of-way line of F.M. 973, said being the northwesterly corner of that certain 2.048 acre tract conveyed to the State of Texas, and by and through the Texas Transportation Commission, as described under Document Number 2014104177, Official Public Records of Travis County, Texas;

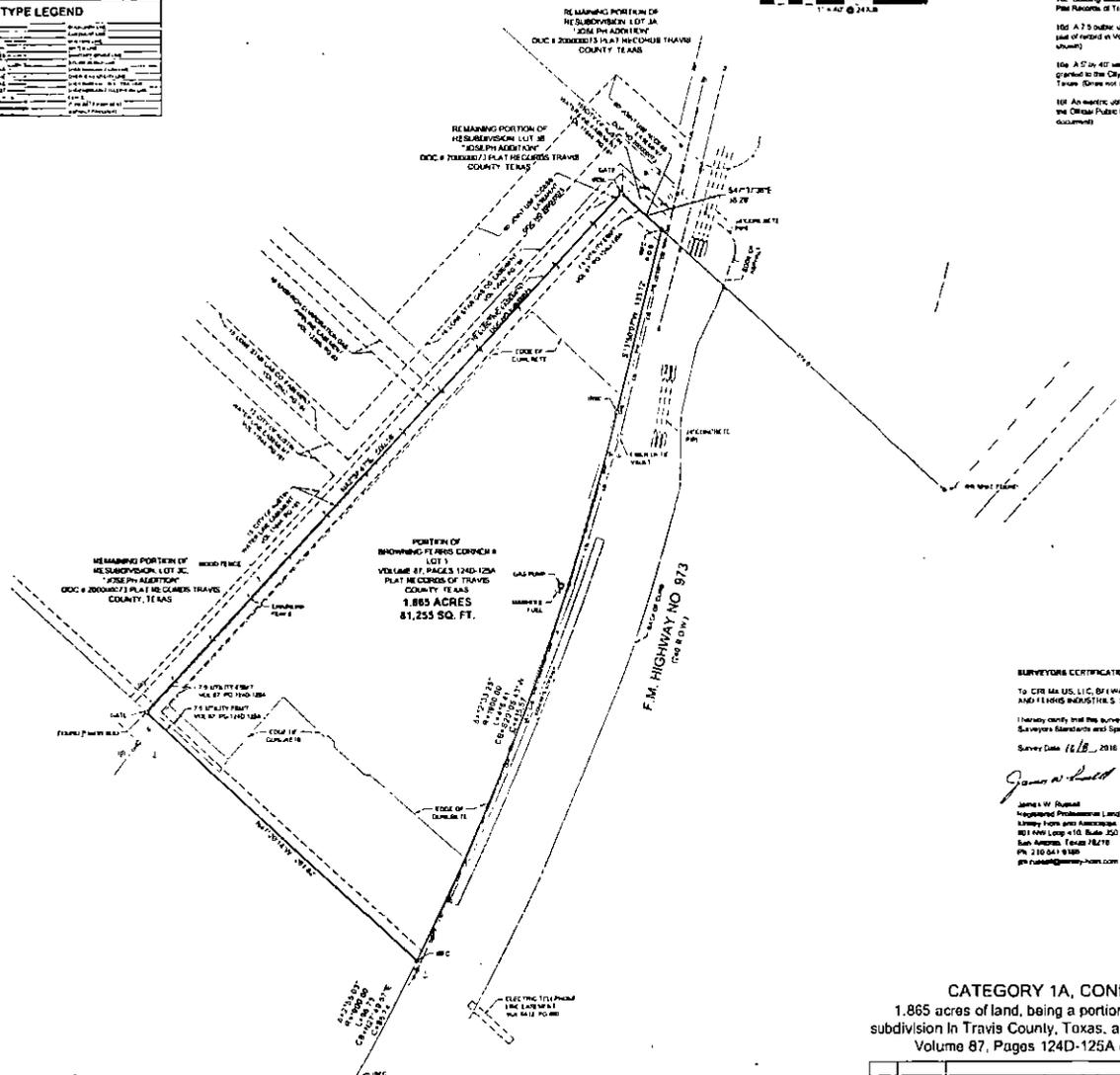
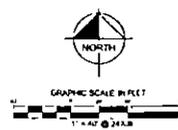
THENCE, South 12deg 00' 00" East, along the northwesterly right-of-way line of F.M. 973, a distance of 133.12 feet to a nail in iron rod with "N" cap;

THENCE, southwesterly, following being the northwesterly right-of-way line of F.M. 973 and being the center of a curve to the right having a radius of 1931.07 feet, a center angle of 12deg 32' 25", an arc length of 619.44 feet which started bearing S. 82deg 05' 47" W. = 25.52 feet to a bound 1/2 inch less one inch less, located in the northwesterly line of said Lot 1 and marking the northwesterly corner of the said 2.048 acres;

THENCE, North 47deg 20' 11" West, along the northwesterly line of said Lot 1, a distance of 261.82 feet to a nail in iron rod with "N" cap marking the northwesterly corner of said Lot 1;

THENCE, North 47deg 20' 11" East, along the northwesterly line of said Lot 1, a distance of 262.18 feet to a nail in iron rod with "N" cap, marking the northwesterly corner of said Lot 1;

THENCE, South 47deg 20' 11" East, along the northwesterly line of said Lot 1, a distance of 262.28 feet to THE POINT OF BEGINNING, containing an area of 1.865 acres (81,255 sq. ft.) of more or less.



**NOTES ADDRESSING SCHEDULE B EXCEPTIONS**

(Purchaser to Commission for Title Insurance provided by Stewart Title of Austin, L.L.C. Of No. D1247 80270, effective date November 01, 2016 subject November 11, 2018)

**SCHEDULE "B"**

1. The following respective conveyances of record are listed below:

Volume 87, Pages 124D-125A of the Plat Records of Travis County, Texas (subject to an easement)

10a. A 7.3 acre utility easement located along the northwesterly property line, as shown on the plat of record in Volume 87, Pages 124D-125A, of the Plat Records of Travis County, Texas (subject to an easement)

10b. Building setback lines as shown and/or described on plat of record in Volume 87, Pages 124D-125A, of the Plat Records of Travis County, Texas. (Does not affect)

10c. A 7.3 acre utility easement located along the northwesterly and westwesterly property lines, as shown on the plat of record in Volume 87, Pages 124D-125A, of the Plat Records of Travis County, Texas (subject to an easement)

10d. A 57.47 acre utility easement located along a portion of the southwest property line, as shown on the plat of record in Volume 87, Pages 124D-125A, of the Plat Records of Travis County, Texas. (Does not affect)

10e. An electric utility easement granted to the City of Austin, recorded under Document Number 2012018115 of the Official Public Records of Travis County, Texas. (Subject to encumbrance in case of information provided in document)

**SURVEYORS CERTIFICATION**

To CHR MAUS, LLC, BY WASTE SYSTEMS OF NORTH AUSTIN, LLC SUCCESSOR TO BROWNING AND FERRIS INDUSTRIES, STEWART TITLE OF AUSTIN, LLC.

I, hereby certify that this survey substantially complies with the current Texas Survey of Professional Land Surveyors Standards and Specifications for a Category 1A Condition II Survey.

Survey Date: 10/15/2016

*James W. Pugh*  
James W. Pugh  
Registered Professional Land Surveyor No. 42,812  
Kimley-Horn and Associates, Inc.  
801 Ann Long #10, Suite 200  
San Antonio, Texas 78216  
PH: 210.641.9189  
jwp@kimley-horn.com

**CATEGORY 1A, CONDITION II, LAND TITLE SURVEY**  
1.865 acres of land, being a portion of Lot 1, BROWNING-FERRIS CORNER II, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Volume 87, Pages 124D-125A of the Plat Records of Travis County, Texas.

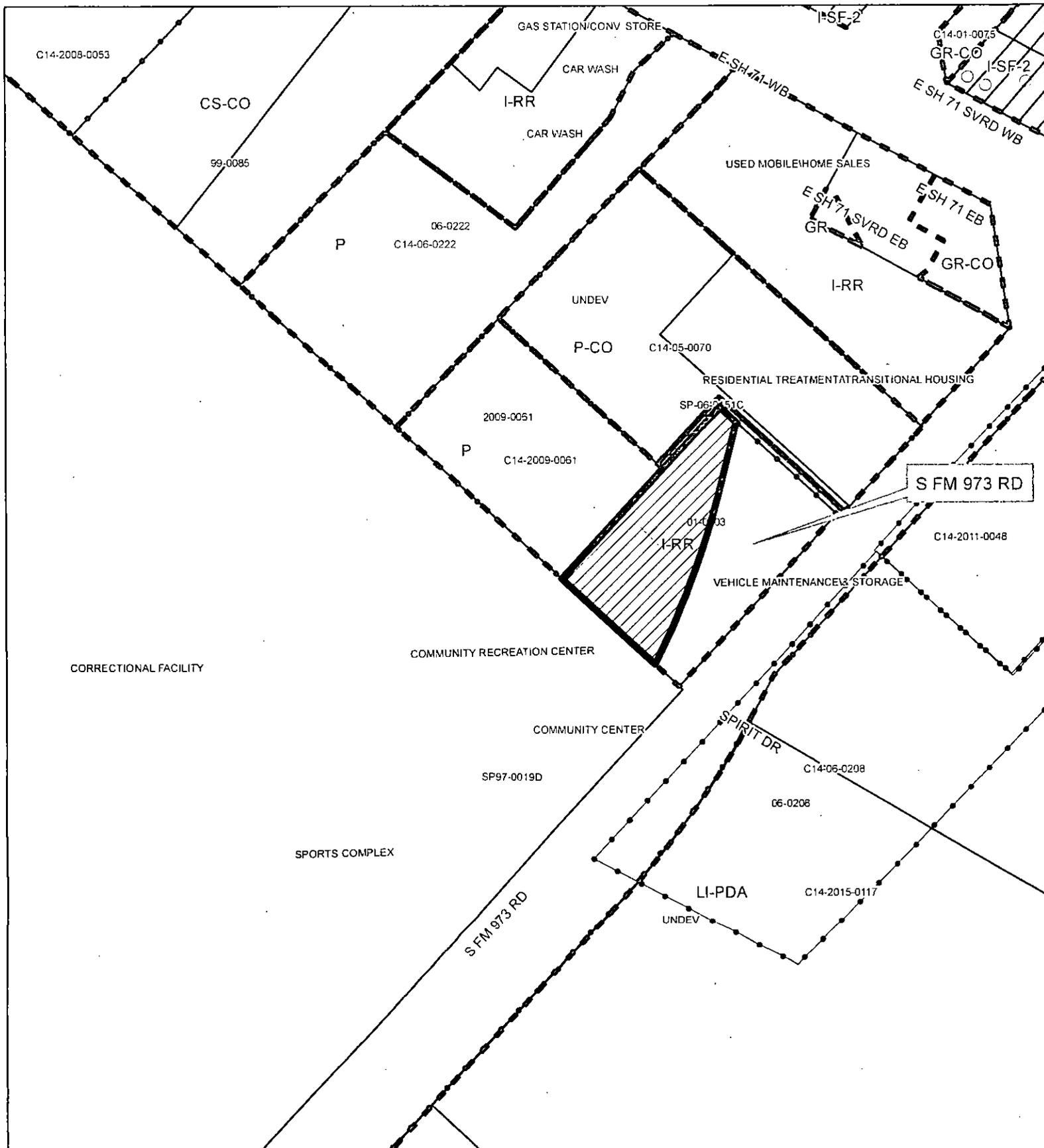
No.	DATE	REVISION DESCRIPTION

**Kimley»Horn**

801 ANN LONG #10, SUITE 200  
SAN ANTONIO, TEXAS 78216  
PH: 210.641.9189  
www.kimley-horn.com

File No. 2103-241-0148  
www.kimley-horn.com

Drawn	Checked	Drawn	Plotted	Sheet No.
11/1/16	JWP	JWP	12/07/2016	1 OF 1



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2017-0057**

**EXHIBIT B**



1" = 274'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.